

# SENATE RECORD VOTE ANALYSIS

105th Congress  
2nd Session

Vote No. 137

May 14, 1998, 5:51 pm  
Page S-4894 Temp. Record

## WIPO COPYRIGHT TREATY IMPLEMENTATION/Final Passage

**SUBJECT:** Digital Millenium Copyright Act of 1998 . . . S. 2037. Final passage, as amended.

**ACTION: BILL PASSED, 99-0**

**SYNOPSIS:** As passed, S. 2037, the Digital Millennium Copyright Act of 1998, will enact implementing legislation for the two new World Intellectual Property (WIPO) treaties (one is on written material and one is on sound recordings). The treaties are based on the principle of national treatment, meaning that adhering countries are obliged to grant the same protection to foreign works that they grant to domestic works. Additionally, the treaties set minimum standards of copyright protection. Signatories to the treaties have an obligation: to provide "legal protection and effective legal remedies" against circumventing technological measures such as encryption and password protection that are used by copyright owners to protect their work; and an obligation to provide "adequate and effective legal remedies" to preserve the integrity of "rights management information." This Act will enact measures to meet those obligations.

Other provisions of the Act: will limit the copyright infringement liability of on-line and Internet service providers (OSPs and ISPs) under certain circumstances; will clarify that the lawful owner or lessee of a computer may authorize someone to turn on their computer for the purposes of maintenance or repair; will ensure that parents will be able to protect their children from pornography and other inappropriate material on the Internet; will protect individual Internet users' access to the World Wide Web; will protect the current practice of reverse engineering for software interoperability; and will address the issues of ephemeral recordings, distance education, and digital preservation for libraries and archives.

**Those favoring** final passage contended:

(See other side)

YEAS (99)				NAYS (0)		NOT VOTING (1)	
Republican (54 or 100%)		Democrats (45 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (1)	Democrats (0)
Abraham	Hutchinson	Akaka	Johnson			Gregg- <sup>2</sup>	
Allard	Hutchison	Baucus	Kennedy				
Ashcroft	Inhofe	Biden	Kerrey				
Bennett	Jeffords	Bingaman	Kerry				
Bond	Kempthorne	Boxer	Kohl				
Brownback	Kyl	Breaux	Landrieu				
Burns	Lott	Bryan	Lautenberg				
Campbell	Lugar	Bumpers	Leahy				
Chafee	Mack	Byrd	Levin				
Coats	McCain	Cleland	Lieberman				
Cochran	McConnell	Conrad	Mikulski				
Collins	Murkowski	Daschle	Moseley-Braun				
Coverdell	Nickles	Dodd	Moynihan				
Craig	Roberts	Dorgan	Murray				
D'Amato	Roth	Durbin	Reed				
DeWine	Santorum	Feingold	Reid				
Domenici	Sessions	Feinstein	Robb				
Enzi	Shelby	Ford	Rockefeller				
Faircloth	Smith, Bob	Glenn	Sarbanes				
Frist	Smith, Gordon	Graham	Torricelli				
Gorton	Snowe	Harkin	Wellstone				
Gramm	Specter	Hollings	Wyden				
Grams	Stevens	Inouye					
Grassley	Thomas						
Hagel	Thompson						
Hatch	Thurmond						
Helms	Warner						

### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Compiled and written by the staff of the Republican Policy Committee—Larry E. Craig, Chairman

United States companies lose \$18 billion to \$20 billion annually due to the international piracy of copyrighted works. The two WIPO treaties will greatly increase protection from such piracy. The first part of this bill will enact legislation that is needed to implement those treaties. This bill also contains provisions that are designed to prevent copyright infringement on the Internet without stifling the growth of that information network. These provisions were written after months of intense negotiations between all concerned parties, and are widely supported both by Internet service providers and copyright holders. We are especially pleased that the bill will clarify that Internet service providers will not be held liable if people transmit material illegally, just as Xerox is not held responsible if someone violates a copyright by illegally copying material on a Xerox machine. Other provisions of this bill will provide substantial protections for libraries, educators, and average Internet users, and will ensure that parents will not be deprived of the technological tools they need to control their children's access to Internet pornography and other unsuitable materials. This bill is moving quickly through the Senate because it has broad bipartisan support and the support of all affected parties. However, that fact does not mean it is insubstantial. The dividends that will come from enactment of this measure make it one of the most important bills we will vote on this Congress. We are pleased to vote in favor of final passage.

**No arguments were expressed in opposition to final passage.**